

☞ **01hr_AC-CC_Misc_pt05**



☞ **Bifurcated Sentencing**

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)



Wisconsin State Assembly

P.O. BOX 8952 • MADISON, WI 53708

FAX COVER SHEET

Date?

ATTENTION: Judge Tom Barland

FAX NUMBER: 715-835-5326

NUMBER OF PAGES INCLUDING COVER SHEET: 3

FROM: REPRESENTATIVE SCOTT WALKER / Missy
phone: 888-534-0014

COMMENTS: state courts legislat. on
extended supervision - let
us know what you think
(THANKS)

2001 BILL

1 AN ACT *to repeal* 973.01 (8) (a) 4.; *to amend* 973.014 (1g) (b); and *to create*
2 302.113 (3) (e) and 302.114 (3) (d) of the statutes; **relating to:** information
3 provided to a person sentenced to a bifurcated sentence.

Analysis by the Legislative Reference Bureau

Under current law, when a court sentences a person to imprisonment in the Wisconsin state prisons for a felony, including life imprisonment, the court is required to inform the person of a number of provisions regarding his or her sentence, including the provisions relating to extended supervision. Under current law, the court is required to inform the person that, if he or she violates any prison regulation or neglects to perform assigned prison duties, the department of corrections (DOC) may extend his or her extended supervision eligibility date for a specified number of days, depending on whether the prisoner has had earlier violations or failures to perform assigned prison duties. Current law also requires the court to inform the prisoner that the extended supervision eligibility date may be extended if the prisoner is placed in adjustment or segregated status, or if the prisoner files an action for court review of a DOC action and the court in that action finds that the action was frivolous or filed solely to harass another person.

This bill removes the requirement that the court inform the person of the provisions relating to extended supervision and places that responsibility on DOC, to be done at the time of the prisoner's initial assessment and evaluation period in the state prison system.



STATE OF WISCONSIN

To MG
Date 9/10 Time 4:50 pm

WHILE YOU WERE OUT

M SHERYL GERVASI
of _____
Phone 6-6984

Telephoned	<input checked="" type="checkbox"/>	Please Call	<input checked="" type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message not expecting any more appeals/litigation; inmates still will receive written explanation; not listening at sentencing anyway;



Party Receiving Call

Doc has interpreters at A&E

STATE OF WISCONSIN

To _____
Date 11/16 Time _____

WHILE YOU WERE OUT

M Tom Bartland
of _____
Phone _____

Telephoned	<input checked="" type="checkbox"/>	Please Call	<input type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message OK to think would improve admin. of justice

cut down on length of sentencing cuts down possibility of error



Party Receiving Call

Leave for judge to accidentally forget to go over ES provisions

(inmates not listening anyway)





Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

MEMO

TO: Assembly Committee on Corrections and the Courts

FROM: Rep. Scott Walker, Chair

DATE: Feb. 4, 2002

RE: Materials for Assembly Corrections and Courts hearing on Wednesday

Attached is an amendment to AB 729 (juvenile corrections bill), which is on our public hearing agenda for Wednesday, Feb. 6. Please note that the Department of Corrections, which requested the bill, has expressed support for the amendment, which was requested by the Wisconsin Council on Children and Families. The amendment retains current law in regard to the minimum age of minors who can be housed at state prisons. Please note that the department did not ask to lower the age from 17 to 15; rather this change was made by LRB in an attempt create uniformity within state statutes. AB 729 is the companion to SB 384, for which the enclosed memo from the Council was written.

I have also enclosed another copy of LRB 2926/1 for your review prior to Wednesday's meeting.

Please call Missy in my office at 6-9180 if you have any questions.

Thank you.





Judge Patrick J. Fiedler
DANE COUNTY CIRCUIT COURT, BRANCH 8
210 Martin Luther King Jr. Blvd., Room 316
Madison, Wisconsin 53703

Telephone: (608) 266-4325

Facsimile: (608) 267-4151

Sharon Brooks, Clerk
Marian Goss, Secretary

Teri Gosewehr,
Court Reporter

February 6, 2002

Representative Scott R. Walker, Chairman
Assembly Corrections and the Courts Committee
State Capitol
Madison, WI

HAND DELIVERED

Re: LRB 2926/1
Explanation of Felony Prison Sentences

Dear Representative Walker:

I am writing to you in my capacity as Vice-Chair of the Legislative Committee of the Judicial Conference regarding LRB 2926/1. That draft will receive a public hearing on February 6, 2002. Unfortunately, my court calendar will not allow me to personally attend the hearing, but I wanted to explain why the Legislative Committee asked you to introduce this legislation and why we urge the support and passage of it.

The Legislative Committee is responsible for reviewing and sometimes proposing legislation of interest to judges statewide. Shortly after the enactment of truth in sentencing, concerns were expressed about the requirements under § 973.01(8), Wis. Stats. That section requires judges to explain, orally and in writing, the total length of the bifurcated sentence, the initial term of confinement in prison, the maximum time of extended supervision, extended confinement provisions ("bad time") and the eligibility to the Challenge Incarceration Program ("boot camp"). After two years of experience with this new law, judges generally do not feel that the explanation of "bad time" to a defendant being sentenced to prison is effectively meeting its purpose, i.e., to advise defendants that their time in confinement may be increased if they engage in certain types of activities while in prison. The reason why this is so is that the sentencing hearing in criminal cases is often a very emotional time. The court hears the recommendations of all interested persons and then imposes an appropriate sentence. Defendants

February 1, 2002

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are most interested in, and thus focus almost totally, on the sentence that is being imposed. Because of this, it is the belief of the judges that the defendants hear little else beyond the sentence imposed, and at this point in time are not effectively listening to the explanation of "bad time".

The Legislative Committee suggests that the explanation of "bad time" would more appropriately be given when the defendant is received in the Wisconsin State Prison System. It could be part of the assessment and evaluation process that takes place at the Dodge Correctional Institution. This is the time when other important matters are explained to inmates. I have discussed this suggestion with Cindy O'Donnell, Deputy Secretary of the Wisconsin Department of Corrections. On June 20, 2001, Ms. O'Donnell advised me that Secretary Jon Litscher had indicated that the Department of Corrections would support a bill that simply transfers the duty to explain the concept of "bad time" from the sentencing judge to the Department of Corrections.

On behalf of the Legislative Committee, I want to express the overwhelming support of judges statewide for this legislation and ask you to recommend it for introduction and passage. Thank you for your consideration of this matter.

Very truly yours,



Patrick J. Fiedler, Judge
Circuit Court Branch 8

PJF/meg

cc: Members of the Assembly Corrections and the Courts Committee
Jon E. Litscher, Secretary, DOC
Cindy O'Donnell, Deputy Secretary, DOC
J. Denis Moran, Director of State Courts
Members of the Legislative Committee of the Judicial Conference